

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED

MAR 04 2019

Clerk, U.S. District Court
District Of Montana
Missoula

KYLE SANBORN,

Plaintiff,

vs.

RAEANNE ROLAND,

Defendant.

CV 18-00037-H-DLC

ORDER

By Order dated January 3, 2019, the Court dismissed Plaintiff Kyle Sanborn's claims arising under the First, Fourth, and Eighth Amendments regarding the incidents on December 12, 2017. Mr. Sanborn was given leave to file an amended complaint and was specifically advised that if no amended complaint was filed on or before January 29, 2019, this matter would be dismissed. Mr. Sanborn failed to file an amended complaint.

Accordingly, the Court issues the following:

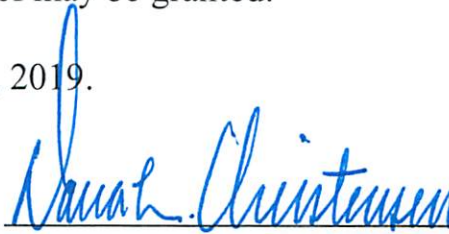
ORDER

1. This matter is DISMISSED.
2. The Clerk of Court is directed to close this matter and enter judgment in favor of Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk of Court is directed to have the docket reflect that the Court

certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaint lacks arguable substance in law or fact.

4. The Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) because Mr. Sanborn failed to state a claim upon which relief may be granted.

DATED this 4th day of March, 2019.



Dana L. Christensen, Chief District Judge
United States District Court